

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,  
  
Respondent/ Plaintiff,  
  
v.  
  
JAMAR JACKSON,  
  
Petitioner/ Defendant.

Case No. 3:16-cr-00005-LRH-VPC-2  
  
ORDER

Before the court is a joint motion to vacate, set aside, or correct conviction and sentence under 28 U.S.C. § 2255. ECF No. 113.

In 2017, Petitioner Jamar Jackson pled guilty to conspiracy to commit Hobbs Act Robbery under 18 U.S.C. § 1951 (Count 1) and use of a firearm in furtherance of a crime of violence under 18 U.S.C. § 924(c) (Count 2). ECF Nos. 72 & 73. His Count 2 conviction specifically rested on his conviction for Count 1. ECF No. 69. Jackson was sentenced to 24 months on Count 1 and 60 months on Count 2, to run consecutively. ECF No. 99.

On June 21, 2019, the United States Supreme Court held that § 924(c)'s residual clause is unconstitutionally vague in violation of the Due Process Clause. *United States v. Davis*, 139 S.Ct. 2319 (2019). In light of this ruling, the Jackson's conviction and sentence on Count 2 is no longer valid. IT IS THEREFORE ORDERED that the parties' joint motion to vacate, set aside, or correct conviction and sentence under 28 U.S.C. § 2255 (ECF No. 113) is **GRANTED**, and that Jackson's 60-month sentence on Count 2 is **VACATED**.

///

1 IT IS FURTHER ORDERED that this matter is remanded for resentencing on Count 1,  
2 set for **September 18, 2019, at 11:00 AM.**

3 IT IS FURTHER ORDERED that the Probation Office is to update Jackson's  
4 Presentence Investigation Report by September 4, 2019.

5  
6 IT IS SO ORDERED.

7 DATED this 21 day of August, 2019.

8  
9 

10 LARRY R. HICKS  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28